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United States Department of Agriculture

FOREST SERVICE

Henry S. Graves, Forester

STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

COLORADO

(Serial 1—Through Reg. Sess., 1917)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

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PURPOSE OF COMPILATION.

The compilation of which this leaflet is but a part aims to meet a manifest need of the times for a work of reference by means of which the legislation underlying the forestry activities of the various States can readily be studied and compared. To this end, only such of the State laws as bear more or less directly upon the practice of forestry are here compiled, to the exclusion of all other laws concerning timber and trees, of all detailed forest insect and fungus provisions (which, while germane to forestry, usually arise from acute local conditions, and are not of general interest), as well as of all annual or biennial appropriations, and other similarly transitory provisions. Succeeding issues of each State leaflet, to form a separate series for each State, will serve to keep these fundamental laws up to date and free from encumbrance by obsolete provisions. The laws themselves have been analyzed and classified, in detail, to show the activities of the various officers and governing bodies, as these bear on "Administration," "Fire Protection," "Public Forests," and "Taxation," the text being skeletonized in blackface type, and copiously cross-referenced, in italic, to aid the rapid sensing of the entire legislation or of any particular part of it. A Table of Acts is appended to this leaflet for the benefit of any who do not have access to the original enactments from which the provisions used in the compilation were taken, and who desire to reconstruct them.

PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

STATE BOARD OF AGRICULTURE.

1. Vested with Authority as State Board of Forestry.

That the State Board of Agriculture shall have, and hereby is vested with authority, in addition to and in connection with its duties heretofore provided, as a State Board of Forestry, and * * *. [L. 1911, ch. 138, sec. 1; Mills An. Stat., 1912, sec. 2986.]

2. Furnishes Office and Equipment for State Forester, and Necessary Assistance.

The State Board of Agriculture is further hereby authorized to furnish the necessary office, furniture, office supplies, stamps and postage, and office and field equipment, and such necessary assistance as may be required for the proper conduct of the office of State Forester.¹ [L. 1911, ch. 138, sec. 1; Mills An. Stat., 1912, sec. 2986.]

3. Additional Duties.

Appoints State forester, and determines his term of office. (See I, 4.)

Fixes salary of State forester. (See I, 5.)

STATE BOARD OF FORESTRY.

(For establishment of board, see "State Board of Agriculture," I, 1; 2.)

STATE FORESTER.

4. Appointment—Term of Office.

* * * the said The State Board of Agriculture is hereby given authority to appoint an officer to be known as the State Forester. The incumbent in said office to be the professor or instructor of forestry at The State Agricultural College, said State Forester to hold office at the will of the State Board of Agriculture and except as herein-after provided, to be under the control of The State Board of Agriculture. [L. 1911, ch. 138, sec. 1; Mills An. Stat., 1912, sec. 2986.]

5. Salary Fixed by State Board of Agriculture—Limitation of Amount.

The State Forester shall receive a reasonable salary, to be fixed by the State Board of Agriculture, not to exceed \$2,500.00 per year, which sum shall include his salary as professor or instructor of Forestry at the State Agricultural College, and shall be paid out of the money hereby appropriated.² [L. 1911, ch. 138, sec. 2; Mills An. Stat., 1912, sec. 2987.]

6. Manages State Forests, if Any.

It shall be the duty of the State Forester to direct the management of State Forest Reserves, if any; * * * [L. 1911, Ch. 138, sec. 3; Mills An. Stat., 1912, sec. 2988.]

¹ The state board of agriculture is charged, independently, with the management of a school of horticulture, forestry, and vocational learning, at the Grand Junction Indian School, in Mesa county, Colorado (see secs. 101, 102, Mills An. Stat., 1912); and the Secretary of the board is also required to "address circulars to societies and the best practical farmers in the state and elsewhere, with the view of eliciting information upon * * * the culture of * * * trees, etc., adapted to soil and climate of this state" [Colorado]; and to distribute, for cultivation and report thereon, such trees as he may secure. (See secs. 60, 61, Mills An. Stat., 1912.)

² See p. 5, footnote 3.

7. Studies Conditions for Preserving and Growing Forests.

[It shall be the duty of the state forester] to study the best conditions for preserving and growing of trees and forests. [L. 1911, ch. 138, sec. 3; Mills An. Stat., 1912, sec. 2988.]

8. Collects and Publishes Forest Data.

[It shall be the duty of the state forester] to collect and publish all data relative to the forests and other timber growing in the State. [L. 1911, ch. 138, sec. 3; Mills An. Stat., 1912, sec. 2988.]

9. Cooperates with the Following:

a. **U. S. Forest Service.**—[It shall be the duty of the state forester] to cooperate, so far as is practical, with the Department of Forestry of the United States Government; * * * [L. 1911, ch. 138, sec. 3; Mills An. Stat., 1912, sec. 2988.]

b. **State board of land commissioners in the matter of granting permits to cut timber on State lands.**—The State Forester shall cooperate with the State Board of Land Commissioners in the matter of granting of permits for cutting timber upon State lands, giving them data concerning the proper timber to be cut and the proper method of cutting and removing the timber and the removal of the strippings and advising the State Board of Land Commissioners concerning any matters of importance relative to the removal of the timber and the replanting and reforestation of State lands, but nothing herein contained shall be construed as amending the law at present existing¹ giving the State Board of Land Commissioners authority in said matter. [L. 1911, ch. 138, sec. 4; Mills An. Stat., 1912, sec. 2989.]

c. **Individuals, associations, corporations, towns, or cities, at their expense.**—The State forester may advise or assist any individual, individuals, association or corporations, towns or cities, and examine any tract of land that it may be desired to devote to the growing of trees or forests, to advise as to the planting thereof and the protection, preservation or reforestation of any private lands under an agreement with the owners of such land, whereby the owner or owners of such land shall pay to the State Board of Agriculture a sum equal to the total expense of the State Forester or such assistants as may be appointed for said purpose. [L. 1911, ch. 138, sec. 6; Mills An. Stat., 1912, sec. 2991.]

10. Prosecutes Violators for Cutting or Destroying Timber.

[It shall be the duty of the state forester * * * to prosecute violation of all laws pertaining to * * *] the cutting or destruction of timber in the State, * * * [L. 1911, ch. 138, sec. 8; Mills An. Stat., 1912, sec. 2993.]

11. Reports Derelictions on Part of State Officers Concerning Timber or Forests.

[It shall be the duty of the state forester to * * * report to the proper authority any violation or dereliction on the part of any officer or officers of the State * * *]

¹ L. 1901, ch. 83. (See Table of Acts on p. 9. For law, in full, see volume of Session Laws.)

PART I—Contd.]

in relation to the timber or forests in the State. [L. 1911, ch. 138, sec. 8; Mills An. Stat., 1912, sec. 2993.]

12. Makes Biennial Report and Recommendations.

Said State Forester shall, biennially, make to the Governor, a report of the transactions of his office, and shall

make such recommendations as he shall deem necessary with a view toward prescribing laws necessary to make his office an effective factor for the purposes for which it is created. [L. 1911, ch. 138, sec. 11; Mills An. Stat., 1912, sec. 2996.]

PART II.—FIRE PROTECTION.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of state-owned lands, see Part III.)

STATE FORESTER.**1. Advises and Assists in Preventing and Extinguishing Forest Fires.**

¶ 1. The State Forester shall advise, aid and assist in preventing and extinguishing forest fires on State lands and private lands and in the National Forests in the State, [Fire duties of sheriffs not interfered with.—] but nothing herein contained shall be construed as amending the law making it the duty of the Sheriffs of the various Counties of the State to prevent and extinguish forest fires.¹ [L. 1911, ch. 138, sec. 5; Mills An. Stat., 1912, sec. 2990.] ¶ 2. * * * upon receiving notice from any source of a fire or fires in any forest, it shall be the duty of the State Forester to aid and assist in extinguishing the same. [L. 1911, ch. 138, sec. 7; Mills An. Stat., 1912, sec. 2992.]

2. Examines into Causes of Fires.

It shall be the duty of the State Forester to examine and inquire into the cause of fires occurring in the forests of the State, either on private or public lands, * * *. [L. 1911, ch. 138, sec. 8; Mills An. Stat., 1912, sec. 2993.]

3. Prosecutes Violators of Fire Laws.

[It shall be the duty of the state forester] to prosecute violation of all laws pertaining to fires or * * *. [L. 1911, ch. 138, sec. 8; Mills An. Stat., 1912, sec. 2993.]

4. Reports Derelictions on Part of State Officers Concerning Fires.

* * * and [he shall] report to the proper authority, any violation or dereliction on the part of any officer or officers of the State with relation to fires and * * *. [L. 1911, ch. 138, sec. 8; Mills An. Stat., 1912, sec. 2993.]

5. Publishes and Posts Forest-Fire Regulations.

[It shall be the duty of the State forester] to promulgate and publish rules for the prevention of forest fires and to cause the same to be posted in the forests upon State lands; * * *. [L. 1911, ch. 138, sec. 3; Mills An. Stat., 1912, sec. 2988.]

6. Other Duties.

Furnishes forest fire notices to commissioner of game and fish. (See II, 18.)

OTHER STATE OFFICIALS WITH INCIDENTAL FIRE DUTIES.**SHERIFFS.****7. Act as Fire Wardens.**

The sheriff of every county shall, in addition to other duties, act as fire wardens of their respective counties in case of prairie or forest fires. [L. 1903, ch. 83, sec. 1; * * *; Mills An. Stat., 1912, sec. 1396.]

8. Compensation.

The county commissioners may allow the sheriff five dollars per day for such services,¹ and the deputies not to exceed three dollars per day, and such other expenses necessarily incurred as they may deem just. [L. 1903, ch. 83, sec. 2; * * *; Mills An. Stat., 1912, sec. 1397.]

9. Assume Charge of Fires.

It shall be the duty of the sheriff, under-sheriff and deputies, in case of any forest or prairie fire, to assume charge thereof, for controlling and extinguishing the same, [Summon citizens.—] they may call to their aid, such person or persons of their county as they may deem necessary. [L. 1903, ch. 83, sec. 2; * * *; Mills An. Stat., 1912, sec. 1397.]

10. Report Fires Promptly to State Forester.

It shall be the duty of the Sheriffs of the various Counties of the State to report as soon as practical the occurrence of any fire in any forest or forests in the State, either on private or public lands, and * * *. [L. 1911, ch. 138, sec. 7; Mills An. Stat., 1912, sec. 2992.]

11. Additional Duties.

Enforce fire provisions of game and fish law. (See II, 14; 17.)—*Failure to enforce constitutes violation.* (See II, 35b.)—*Penalty, prosecution and fine.* (See II, 35c-j.)

Enforce fire provisions of forestry act. (See II, 20.)—*Penalty and prosecution.* (See II, 36.)

Deprive violators of camping permits. (See II, 30b.)

CONSTABLES.**12. Duties.**

Enforce fire provisions of game and fish law. (See II, 14; 17.)—*Failure to enforce constitutes violation.* (See II, 35b.)—*Penalty, prosecution and fine.* (See II, 35c-j.)

Enforce fire provisions of forestry act. (See II, 20.)—*Penalty and prosecution.* (See II, 36.)

Deprive violators of camping permits. (See II, 30b.)

STATE GAME AND FISH COMMISSIONER AND WARDENS.**13. Commissioner Prescribes Regulations Under Fire Provisions of the Game and Fish Law.²**

The commissioner³ shall have power to prescribe such rules, regulations and forms as may be required to carry out the true intent of this act,² and not inconsistent herewith. [L. 1899, ch. 98, sec. 7, p. 186; * * *; Mills An. Stat., 1912, sec. 3140.]

¹ Services as fire wardens. (See II, 7.)

² Game and fish law in ch. 98, L. 1899. (See Table of Acts, on p. 9.)

³ As used in this act, unless otherwise specifically restricted or enlarged, * * * the word commissioner means the state game and fish commissioner; the word warden or wardens includes the chief wardens, deputy wardens and special wardens provided for herein; * * * [L. 1899, ch. 98, p. 189, sec. 18; * * *; Mills An. Stat., 1912, sec. 3157.]

¹ See II, 7-9.

PART II—Contd.]

14. Commissioner and Wardens Enforce Fire Provisions of the Game and Fish Law.¹

The commissioner and every warden² throughout the State, and every sheriff and constable in his respective county, is authorized and required to enforce this act¹ * * *. [L. 1899, ch. 98, sec. 11, p. 187; Mills An. Stat., 1912, sec. 3144.]

15. Prosecute Violators of Fire Provisions.

It shall be the duty of the commissioner and chief wardens to devote their entire time to the performance of the duties specified in this act,¹ and to cause prosecutions to be instituted and conducted for the punishment of violations thereof. [L. 1899, ch. 98, sec. 9, p. 186; Mills An. Stat., 1912, sec. 3142.]

16. Have Rights and Powers of Sheriffs and Constables.

In the performance of their duties the commissioner and wardens shall have all the rights and powers, throughout the state, of sheriffs and constables in their respective counties, except as herein otherwise provided. [L. 1899, ch. 98, sec. 9, p. 186; Mills An. Stat., 1912, sec. 3142.]

17. Arrest Violators, With or Without Warrant.

* * * and he [commissioner and every warden throughout the state, and every sheriff and constable in his respective county] shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof;¹ * * *. [L. 1899, ch. 98, sec. 11, p. 187; Mills An. Stat., 1912, sec. 3144.]

18. Post Fire Notices.

It shall be the duty of the Commissioner of Game and Fish to have posted, in manner as required by the State Forester, all notices prepared by the State Forester concerning the prevention and extinguishing of forest fires. [L. 1911, ch. 138, sec. 9; Mills An. Stat., 1912, sec. 2994.]

19. Additional Provisions.

Failure to enforce fire provisions of game and fish law¹ constitutes violation. (See II, 35b.)—*Penalty, prosecution and fine.* (See II, 35c-j.)

Commissioner has supervision and control over prosecutions for violation of fire provisions of game and fish act. (See II, 35g.)

Commissioner makes biennial report to governor. (See vol. of Sess. Laws, 1899, ch. 98, sec. 10, p. 186; and Mills An. Stat., 1912, sec. 3143.)

GAME AND FOREST³ WARDENS.**20. Enforce Fire Provisions of Forestry Act.⁴—Arrest Violators With or Without Warrant.**

Game and forest³ wardens, the land appraisers, and all peace officers of the state, are hereby charged with the

¹ Game and fish law in ch. 98, L. 1899. (See Table of Acts, on p. 9.)

² As used in this act, unless otherwise specifically restricted or enlarged * * * the word commissioner means the state game and fish commissioner; the word warden or wardens includes the chief wardens, deputy wardens and special wardens provided for herein; * * * [L. 1899, ch. 98, p. 189, sec. 18; * * * : Mills An. Stat., 1912, sec. 3157.]

³ There is no provision in the laws of the State of Colorado for the appointment of officials under the specific designation, "forest wardens." The term, as used in this act, seems to refer in a general way to officials who are appointed to protect the forests of the State.

⁴ Forestry act in ch. 83, L. 1901. (See Table of Acts, on p. 9.)

enforcement of this act so far as it relates to fires in forest areas, and shall have full power to arrest, with or without warrant, all violators and deliver them to the nearest constable or sheriff, to be dealt with according to law. [L. 1901, ch. 83, sec. 13; * * *; Mills An. Stat., 1912, sec. 3013.]

21. Additional Provisions.

Enforce fire provisions of game and fish law. (See II, 14; 17.)—*Failure to enforce constitutes violation.* (See II, 35b.)—*Penalty, prosecution and fine.* (See II, 35c-j.)

Penalty and prosecution for failure to enforce fire provisions of forestry act. (See II, 36.)

Deprive violators of camping permits. (See II, 30b.)

Are responsible for care of fires when employed by non-resident campers. (See II, 30c.)

DEPUTY APPRAISERS.

22. Specially Employed to Enforce Fire and Forestry Provisions.

For the purpose of more fully carrying out the provisions of this act^a the state board of land commissioners are hereby empowered to employ such number of persons, not exceeding six, as in their judgment are necessary. Such persons shall be known as deputy appraisers. **Compensation.**—They shall receive for their services the sum of five (\$5.00) dollars per diem, [Arrest violators, with or without warrant.—]and shall have authority to arrest all violators of this act, with or without warrant, [Take violators before justice of the peace, or other officer.—] and deliver them to the most accessible justice of the peace or other officer authorized by law to act in such cases. [L. 1901, ch. 83, sec. 15; * * *; Mills An. Stat., 1912, sec. 3016.]

LAND APPRAISERS.

23. Duties.

Enforce fire provisions of forestry act. (See II, 20.)—*Penalty and prosecution.* (See II, 36.)

Deprive violators of camping permits. (See II, 30b.)

BOARD OF COUNTY COMMISSIONERS.

24. Post Camp Fire Notices.

It shall be the duty of the Board of County Commissioners of each county in this state, within thirty days after this act shall take effect, to cause to be erected and maintained, in conspicuous places at the side of each and every traveled highway, and at such other places as they may deem proper, at suitable distances along the main traveled highways of their respective counties, notices printed in large letters, on strong cloth, substantially in the following form, to wit:

FIRE.

Camp fires must be totally extinguished before breaking camp, under penalty of not to exceed one month imprisonment, or one hundred dollars fine, or both as provided by law.¹ A standing reward of one hundred dollars (\$100) is offered by the state, for information which may lead to the conviction of any person, or persons, guilty of causing forest fires, in violation of law.

..... } Commissioners.
..... } County.
..... }

^a See Table of Acts, on p. 9.

¹ The provision referred to is contained in sec. 2, p. 165, L. 1885; which provision appears to be superseded by later legislation. (See II, 29, footnote.)

PART II—Contd.]

Counties pay cost.—The erection of such notices shall be at the expense of the respective counties; [Number of notices posted in each county.—] and at least twenty in number shall be posted and maintained in each and every county in this state.¹ [L. 1885, p. 161, sec. 1; * * * ; Mills An. Stat., 1912, sec. 1341.]

FEDERAL FOREST OFFICERS AND TIMBER OFFICERS.

25. Enforce all Fire Provisions by Direct Authority as Fire Wardens, when so Appointed.

The Governor may, at his discretion, appoint forest officers of the United States to act without pay * * * as Fire Wardens in enforcing the laws of this state as to forest fires, [Power to incur fire-fighting expenses.—] who shall have power to incur necessary expenses to extinguish forest fires. **Term of office.**—Such forest officers shall hold their positions as * * * Fire Wardens during the pleasure of the Governor. [L. 1909, ch. 168, sec. 1; Mills An. Stat., 1912, sec. 3014.]

26. Enforce the Fire Provisions of the Game and Fish Law by Ex Officio Authority as Federal Forest or Timber Officers.

* * * every officer having authority in relation to timber or timber reserves of the United States shall have the same authority under this act^a as a deputy [game] warden. [L. 1899, ch. 98, sec. 14, p. 188; * * * ; Mills An. Stat., 1912, sec. 3147.] **Enforce the forest fire provisions of the forestry act, as game wardens, whenever so commissioned.**² (See II, 20.)

DISTRIBUTION OF COSTS OF FIRE PROTECTION.

STATE.³

27. Pays:

Expenses incidental to enforcing forest fire protection⁴ incurred by the following officers: State forester (see II, 1-3); State game and fish commissioner and wardens (see volume of Session Laws of 1899, ch. 98); deputy appraisers (see II, 22); land appraisers (see II, 20); Federal forest and timber officers (see II, 25).

Costs of publishing and posting fire regulations (see II, 5).

COUNTIES.

28. Pay:

Sheriffs' and deputies' salaries and expenses⁴ necessary and incidental to their fire protection duties. (See II, 8.)

Costs of posting camp fire notices. (See II, 24.)

¹ The remainder of this section, embracing the provision for posting of similar notices by the state forest commissioner, was doubtless rendered inoperative by the repeal, in 1897, of the act which provided for the appointment of a state forest commissioner (act of Apr. 4, 1885).

^a See Table of Acts, on p. 9.

² It is customary to commission national forest officers to be game wardens so that they may enforce the game and fish laws.

³ *Continuing appropriations.*—* * * there is hereby appropriated, for each successive biennial period [following 1911 and 1912], the said sum of Ten Thousand (\$10,000) Dollars for such purposes [those of ch. 138, L. 1911 (see Table of Acts on p. 9)], and the Auditor of State is hereby authorized to draw his warrants upon said funds, upon the order of The State Board of Agriculture, signed by its President and counter signed by its Secretary. [L. 1911, ch. 138, sec. 12; Mills An. Stat., 1912, sec. 2997.]

⁴ Inasmuch as these officers are authorized to extinguish fires, such expenses would necessarily include a part at least of the cost of fire fighting.

KINDLING FIRES IN THE OPEN.

PROHIBITIVE RESTRICTIONS.

29. On State and Federal Lands, or Lands from which Fires may Spread thereto.¹

a. No person shall set fire to any timber or grass on land belonging to this state or to the United States, or set fire in any place where it is liable to spread to such timber or grass, [Camp fires required to be extinguished.—] nor leave any camp fire unextinguished, and * * * [L. 1899, ch. 98, sec. 14, p. 188; * * * ; Mills An. Stat., 1912, sec. 3147]. **Penalties, prosecutions and fines.** (See II, 35.)

b. **Protection of smaller trees.**—[Every person applying to cut trees on state lands is required to state in the application] that he will carefully protect from fires or other damage all trees less in size than those desired to cut; * * * [L. 1901, ch. 83, sec. 2 (c); * * * ; Mills An. Stat., 1912, sec. 3002 (c)]. **Criminal and civil liability and prosecutions.** (See II, 36; 33.)

30. On all Lands.

a. **Except as to open fires sufficiently guarded.**—No open fires not sufficiently guarded to prevent spreading shall be allowed in any forest area in this State, [Live coals extinguished with water.—] and all live coals emptied from any stove or remaining from any open fire shall be at once and completely extinguished with water before leaving. [L. 1901, ch. 83, sec. 10; * * * ; Mills An. Stat., 1912, sec. 3010.]

b. **Except as to legal residents of the State, either in their own county, or having a camping permit in any other county.**—No person, party or parties, shall be allowed to camp, either for business or pleasure, in any forest district of this State outside of the county in which they legally reside, without first taking out a permit so to do. **Permit contains fire provisions of forestry act.**—Such permit shall bear such part of this act as relates to fires and their care, and shall be issued by the clerk of any county court within the State upon the payment of the sum of fifty cents as a fee. **Produced on demand**—Permits must at all times be produced and shown to any game or forest warden,² land appraiser, constable, sheriff, or other official empowered by law to demand the same, [Subject to recall.—] and such permit may be taken up by such warden, land appraiser or other official whenever the holder thereof shall willfully violate the provisions of this act. [L. 1901, ch. 83, sec. 11; * * * ; Mills An. Stat., 1912, sec. 3011.]

c. **Except as to non-residents who have a guide.**—Non-residents of this State shall not camp within the forest districts for pleasure until they shall have obtained the services, at their own cost, of a game or forest warden as

¹ The legislation shown in this and the following sec. (II, 29, 30) appears to supersede, practically, the earlier provisions prescribing penalties for the setting of fires endangering woodlands, and for failure to extinguish camp fires, contained in L. 1861, pp. 317, 318, secs. 129, 130, 131, 132, and certain subsequent enactments, shown in Mills An. Stat., 1912, secs. 2011, 2012, 2013, 2014.

² See II, 20, footnote 3.

PART II—Contd.]

conservator of the State's interests, [Wardens responsible for fires.—] and such wardens will be held strictly responsible for the care and prevention of fires from extending to the forest areas. [L. 1901, ch. 83, sec. 12; * * *; Mills An. Stat., 1912, sec. 3012.] Criminal and civil liability and prosecutions. (See II, 36; 33.)

RAILROADS.

GENERAL REQUIREMENTS.

31. Equip and Operate Locomotives to Prevent Causing Fires.

¶1. * * * every locomotive used in such forest area shall be so equipped and operated as to prevent the setting on fire of any tree growth along or adjacent to such right of way. [L. 1901, ch. 83, sec. 14; * * *; Mills An. Stat., 1912, sec. 3015.] Each day's neglect constitutes a separate offense.—¶2. Each day's neglect to properly equip and operate as herein directed any locomotive shall be deemed a separate offense, punishable in like manner and with like penalties. [L. 1901, ch. 83, sec. 14; * * *; Mills An. Stat., 1912, sec. 3015.] Civil liability (Special provisions in forestry act).—(See II, 32, ¶2.) Criminal and civil liability, and prosecutions (General provisions in forestry act). (See II, 36; 38.)

32. Clear Rights of Way.

¶1. The right of way of any railroad within the forest areas of this state shall be kept free from inflammable material, and * * * [L. 1901, ch. 83, sec. 14; * * *; Mills An. Stat., 1912, sec. 3015.] Civil liability (Special provisions in forestry act).—¶2. Any destruction caused by a violation of this section^a of this act shall be appraised by the appraiser of the state board of land commissioners; [Suit if payment not made within ninety days.—] and if the appraised value of such destruction is not paid by the offending railroad company within ninety days of such appraisal, then and in that case the state board of land commissioners shall bring suit in the name of the state to recover all damages, losses and costs caused by or arising out of the wrongful acts or negligence of the offending railroad company. Damages include value of trees: (1) Commercially; (2) As conservators of waters; (3) As promoters of adjacent tree growth.—The measure of damages shall consist of not only the actual commercial value of the trees destroyed, but also their value as conservators of the snows, ice or irrigation waters contemplated in this act and promoters of adjacent tree growth.¹—[L. 1901, ch. 83, sec. 14; * * *; Mills An. Stat., 1912, sec. 3015.] Criminal and civil liability, and prosecutions (General provisions in forestry act). (See II, 36; 38.)

^a See Table of Acts, on p. 9.

¹ So far as concerns precautions against fires along railroad rights of way adjacent to or through forest lands, and as concerns the operation of roads, the general provisions in sections 14, 16, 17, of this forestry act, appear to supersede the earlier requirements in L. 1874, p. 225, secs. 1, 2, 3, in respect to ploughing fireguards and burning vegetation along the tracks, with provision for criminal and civil liability, and payment of fines into the county school fund. (For the earlier provisions, see Mills An. Stat., 1912, secs. 6158, 6159, 6160.)

LIABILITY.

33. Recovery of Damages for Injuries Caused by Fires from Operating Railroads is Restricted.

Limitation of time for bringing action.—Every railroad company operating its line of road, or any part thereof, within this state shall be liable for all damages by fires that are set out or caused by operating any such line of road, or any part thereof, in this state, whether negligently or otherwise; and such damages may be recovered by the party damaged, by the proper action, in any court of competent jurisdiction; Provided, The said action be brought by the party injured within two years next ensuing after it accrues; [Right of recovery may not be assigned or otherwise passed to another.—] and Provided further, That the liability herein imposed shall inure solely in favor of the owner or mortgagee of the property so damaged or destroyed by fire; and the same shall not pass by assignment or subrogation to any insurance company that has written a policy thereon; Provided, That nothing in this act shall be held to apply to or in any manner affect any right which has accrued prior to the passage hereof or any cause or suit now pending. [L. 1903, ch. 153, sec. 1; * * *; Mills An. Stat., 1912, sec. 6161.]

COMPULSORY BRUSH AND SLASH DISPOSAL.

INCIDENT TO LUMBERING.

34. On State Lands.

[Every person applying to cut trees on State lands is required to state in the application:] That he will entirely remove, as directed by the state board of land commissioners, all cut trees and their branches in such manner that fires may not consume the smaller trees; * * * [L. 1901, ch. 83, sec. 2 (d); * * *; Mills An. Stat., 1912, sec. 3002 (d).] Criminal and civil liability, and prosecutions. (See II, 36; 38.)

LEGAL PROCEDURE.

CRIMINAL.

35. For Violations or Attempted Violations of Fire Provisions in the Game and Fish Act.¹

a. Attempted violations.—Every attempt to violate any provision of this act¹ shall be punishable to the same extent as an actual violation thereof, and any such attempt or violation by an agent, clerk, officer, or employe while acting for a corporation, shall render such corporation liable also, and an accessory may in all cases be prosecuted and punished as a principal. [L. 1899, ch. 98, sec. 1, p. 217; * * *; Mills An. Stat., 1912, sec. 3290.]

b. Failure to perform the acts or duties required.—The failure by any person or officer to perform any act, duty or obligation enjoined upon him by this act shall be deemed a violation thereof. [L. 1899, ch. 98, sec. 2, p. 217; * * *; Mills An. Stat., 1912, sec. 3291.]

c. Penalty.—Every person or officer violating any of the provisions of this act, * * *, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25, not more than \$500, or by imprisonment in the county jail not less than ten days nor more than six months, or by

¹ L. 1899, ch. 98. (See Table of Acts, on p. 9.)

PART II—Contd.]

both such fine and imprisonment. [L. 1899, ch. 98, sec. 4, p. 217; * * *; Mills An. Stat., 1912, sec. 3293.]

d. Imprisonment for non-payment of fine.—Every person convicted and fined under this act shall be imprisoned until the fine and costs are paid, and shall not be discharged therefrom on account of his inability to pay the same, until he shall have been actually imprisoned one day for each \$5 of the fine. [L. 1899, ch. 98, sec. 5, p. 217; * * *; Mills An. Stat., 1912, sec. 3294.]

e. Initiation of proceedings.—¶1. In case of a violation of this act by a corporation, the warrant of arrest may be read to the president, secretary or manager in this state, or any general or local agent thereof in the county where the action is pending, and upon the return of such warrant so served, the corporation shall be deemed in court subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation, but this section shall not be deemed to exempt any agent or employe from prosecution. [L. 1899, ch. 98, sec. 21, p. 190; * * *; Mills An. Stat., 1912, sec. 3160.] ¶2. Prosecutions under this act may be commenced either by indictment, complaint or information, and district and county courts and justices of the peace in their respective counties shall have concurrent original jurisdiction of all offenses under this act, * * *, of which justices of the peace shall not have jurisdiction, otherwise than as committing magistrates. [L. 1899, ch. 98, sec. 6, p. 218; * * *; Mills An. Stat., 1912, sec. 3295.]

f. Jury trial—Appeals.—The accused shall be entitled to a jury as in other criminal cases, and an appeal shall lie from a justice of the peace as in cases of assault and battery. Appeals from and writs of error to the district and county courts shall lie as in other criminal cases. [L. 1899, ch. 98, sec. 7, p. 218; * * *; Mills An. Stat., 1912, sec. 3296.]

g. District attorneys prosecute.—It shall be the duty of each district attorney to prosecute all violations of this act, occurring within his district, that may come to his knowledge, or when so requested by the commissioner [State game and fish commissioner] or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioner. [L. 1899, ch. 98, sec. 8, p. 218; * * *; Mills An. Stat., 1912, sec. 3297.]

h. Participants testify.—In any prosecution under this act, any participant in a violation thereof, when so requested by the district attorney, commissioner, warden or other officer instituting the prosecution, may testify as a witness against any other person charged with violating the same, and his evidence so given shall not be used against him in any prosecution for such violation. [L. 1899, ch. 98, sec. 9, p. 218; * * *; Mills An. Stat., 1912, sec. 3298.]

i. Disposition of fines.—All moneys collected for fines under this act shall be immediately paid over by the justice or clerk collecting the same, as follows: One third into the treasury of the county where the offense was committed, one third to the commissioner, and one third to the person instituting the prosecution. Provided,

That if the person instituting the prosecution shall fail for ten days after such collection and due notice thereof, to demand the portion to which he is entitled, the same shall be paid to the commissioner and the right of such person thereunder shall be deemed forfeited.¹ The commissioner, any warden or officer instituting a prosecution shall be entitled to a share in the fines collected the same as any other person, and it shall be a personal perquisite for which he need not account. [L. 1899, ch. 98, sec. 10, p. 218; * * *; Mills An. Stat., 1912, sec. 3299.]

j. Result of prosecutions reported to commissioner.—It shall be the duty of every justice of the peace and clerk of a court before whom any prosecution under this act is commenced or shall go on appeal, and within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fine collected, if any, and the disposition thereof to the commissioner at Denver. [L. 1899, ch. 98, sec. 11, p. 219; * * *; Mills An. Stat., 1912, sec. 3300.]

36. For Violations of the Forestry Act.²

Penalty.—¶1. Any person violating any of the provisions of this act² shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not less than twenty-five nor more than one hundred dollars or by imprisonment of not less than fifteen days nor more than sixty days or by both fine and imprisonment as the court may direct. [L. 1901, ch. 83, sec. 16; * * *; Mills An. Stat., 1912, sec. 3017.]

Prosecution.—¶2. The district attorneys of the various judicial districts of the state are hereby directed to prosecute in the name of the state all cases arising under this act.² [L. 1901, ch. 83, sec. 17; * * *; Mills An. Stat., 1912, sec. 3018.]

37. For Removing or Destroying Posted Notices.

a. Forest fire notices.—Any person who removes, injures, or defaces any sign or signs placed or maintained in pursuance of section 9³ shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed \$25.00 and costs of prosecution, or imprisonment, not to exceed thirty days in the County jail, or both, at the discretion of Court. [L. 1911, ch. 138, sec. 10; Mills An. Stat., 1912, sec. 2995.]

b. Camp-fire notices.—Whoever shall willfully destroy, remove, injure, or deface, any such notice,⁴ erected on any highway as aforesaid, or shall willfully injure or deface any inscription or device comprising such notice, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace or court of competent jurisdiction, shall be fined not exceeding one hundred dollars, or imprisonment [imprisoned] in the county jail not exceeding three months, or both, in the discretion of the court. [L. 1885, sec. 2, p. 162; * * *; Mills An. Stat., 1912, sec. 1342.]

¹ Certain moneys received by the wardens and the commissioner, under this act, are paid over to the State treasurer, and constitute a game fund. (See volume of Session Laws, 1899, ch. 93, sec. 8; Mills An. Stat., 1912, sec. 3141.)

² L. 1901, ch. 83. (See Table of Acts, on p. 9.)

³ See II, 18.

⁴ Notices posted by boards of county commissioners. (See II, 24.)

PART II—Contd.]

CIVIL.

38. For destroying Timber of the State by Fires in Violation of the Forestry Act.¹

Damages.—Suit may also be brought in the name of the state for damages arising from fires destroying the timber or the trees of the state whenever such damage has been caused by any violation of the provisions of this act¹ by any person or persons engaged in any business or pleasure pursuit whatever. [L. 1901, ch. 83, sec. 16;

¹ L. 1901, ch. 83. (See Table of Acts, on p. 9.)

* * *; Mills An. Stat., 1912, sec. 3017.] **Prosecution.**—(See II, 36 ¶2.)

39. For Causing Damage to Another Through Setting on Fire Woods or Prairies.

If any person shall set on fire any woods or prairie, so as to damage any other person, such person shall make satisfaction for the damage to the party injured, to be recovered in an action before any court of competent jurisdiction. [G. L. 1877, sec. 2150; * * * Mills An Stat., 1912, sec. 2189.]

PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of state and municipal forests, and for the practice of forestry on these and on other lands owned by the State.)

NOTE.—No specific provision is made for the establishment of State forests, or for the practice of forestry on other State lands, except in so far as it may be accomplished by the State board of land commissioners, when making sales of timber from such lands, through the observance of the watershed protection and diameter-limit provisions of the law of 1901,¹ supplemented and extended, when the board so de-

sires, by technical data and advice supplied by the State forester. (See I, 9b.)

Provision is made for the management of State forests whenever they are established. (Sec I, 6.)

¹ See volume of 1901 Sess. Laws, ch. 83, secs. 1, 2, 6; Mills An. Stat. 1912, secs. 3001, 3002, 3006.

PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning state or municipal forests, or other state lands, see Part III.)

1. Value Due to Forest Planting not to be Taxed for Thirty Years unless Economic Maturity Occurs Prior to that Time.

¶ 1. That the increase in value of private lands caused by the planting of timber thereon, other than fruit trees and hedges, shall not, for a period of 30 years from the date of planting, be taken into account in assessing such lands for taxation; such exemption to apply to all lands hereto-

fore or hereafter planted, except as hereinafter provided. [L. 1911, ch. 218, sec. 1; Mills An. Stat., 1912, sec. 6199.]

¶ 2. In the event that any of such timber shall, prior to the expiration of the 30 years, become sufficiently mature to be suitable for economic use, then the increase of value caused by that so maturing shall be taken into account in assessing the land for taxation thereafter. [L. 1911, ch. 218, sec. 2; Mills An. Stat., 1912, sec. 6200.]

TABLE OF ACTS.

LEGISLATION, AS AMENDED THROUGH REG. SESS., 1917.

Session laws prior to 1912 codification. ¹	Mills An. Stat. 1912. ¹	Equivalent references in this leaflet.
Gen. Laws, 1877 ² , sec. 2150.....	Sec. 2189	II 39.
L. 1885, p. 161, sec. 1.....	1341	II 24.
p. 162, sec. 2.....	1342	II 37b.
L. 1899, ch. 98, p. 186, sec. 7.....	3140	II 13.
9.....	3142	II 15, 16.
p. 187, sec. 11.....	3144	II 14, 17.
p. 188, sec. 14.....	3147	II 29a, 26.
p. 183, sec. 18.....	3157	II 13, footnote 3.
p. 190, sec. 21.....	3160	II 35c¶1.
p. 217, sec. 1.....	3290	II 35a.
2.....	3291	II 35b.
4.....	3293	II 35c.
5.....	3294	II 35d.
p. 218, sec. 6.....	3295	II 35c¶2.
7.....	3296	II 35f.
8.....	3297	II 35g.
9.....	3298	II 35h.
10.....	3299	II 35i.
p. 219, sec. 11.....	3300	II 35j.
L. 1901, ch. 83, sec. 2 (c), (d).....	3002 (c), (d)	II 29b, 34.
10.....	3010	II 30a.
11.....	3011	II 30b.
12.....	3012	II 30c.
13.....	3013	II 20.
14.....	3015	II 32¶1, 31¶1, 32¶2, 31¶2.
15.....	3016	II 22.
16.....	3017	II 36¶1, 38.
17.....	3018	II 36¶2.
L. 1903, ch. 83, sec. 1.....	1396	II 7.
2.....	1387	II 9, 8.
153, sec. 1.....	6161	II 33.
L. 1903, ch. 168, sec. 1.....	3014	II 25.
L. 1911, ch. 138, sec. 1.....	2986	I 1, 4, 2.
2.....	2987	I 5.
3.....	2988	I 6, 8, 9a. II, 5. I, 7.
4.....	2989	I 9b.
5.....	2990	II 1¶1.
6.....	2991	I 9c.
7.....	2992	II 10, 1¶2.
8.....	2993	II 2, 3. I, 10. II, 4. I, 11.
9.....	2994	II 18.
10.....	2995	II 37a.
11.....	2996	I 12.
12.....	2997	II p. 5, footnote 3.
ch. 218, sec. 1.....	6199	IV 1¶1.
2.....	6200	IV 1¶2.

¹ See also L. 1861, pp. 317, 318, secs. 129, 130, 131, 132; and secs. 2011, 2012, 2013, 2014, Mills An. Stat., 1912, referred to in footnote 2 to II, 29, 30.
² This reference indicates an earlier code (General Laws of 1877), instead of a session law.

STATE FORESTRY LAWS LEAFLETS ALREADY PUBLISHED.¹

1. Wisconsin.	6. Texas.	11. New Jersey.*	16. Illinois.
2. Louisiana.	7. Virginia.	12. Washington.	17. Ohio.
3. North Carolina.	8. Idaho.	13. Indiana.	18. Connecticut.
4. Maryland.	9. Oregon.	14. Minnesota.	19. Massachusetts.
5. Missouri.	10. Wyoming.	15. Montana.	20. New Hampshire.

¹ The laws of other States, so far as they have been compiled, are available for loan through the Forest Service Library, Washington, D. C.
 * Indicates that the supply is exhausted.

